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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1248 OF 2005
IN
SUMMARY SUIT NO.3348 OF 2003

Global Foundation and others)..Plaintiffs

Versus

Stagekraft Entertainment Pvt. Ltd. & ors)..Defendants

None present for the Plaintiffs.

Mr.K.H. Modi i/b.RMG Law Associates for Defendant Nos.1 and 2.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 27TH JUNE 2006

P.C.:

. The present Motion has been taken out for setting aside the ex-parte decree dated 23rd April 2004. According to Defendant No.2, the writ of summons has not been accepted by him or by any person authorised by him. He has stated that he was unable to attend the Court since he did not have any knowledge of Summary Suit having been filed against him.

2. Defendant Nos.1 and 2 have already deposited Rs.3,00,000/- in this Court towards the suit claim and by an ad-interim order dated 11th August 2005 the attachment levied on 28th March 2005 was stayed.

3. Nobody appears for the Plaintiffs.

4. Defendant Nos.1 and 2 have made out a case for setting aside the decree under Order 37 Rule 4 of the Civil Procedure Code. The Defendants must establish that there are special circumstances which require the decree to be set aside. The fact that the writ of summons was not served on the Defendants has not been controverted by the Plaintiffs.

5. For the reasons stated in the affidavit in support of the Motion, Notice of Motion is allowed in terms of prayer clauses (a) and (b) on condition that Defendant Nos.1 and 2 deposits in Court an additional amount of Rs.1,00,000/- (Rupees One lakh only) within a period of eight weeks from today.